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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
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6 DARIN J. FRANKLIN,

7 Plaintiff,

8 vs.

9 TANIA ARGUELLO, *et al.*,
10 Defendants.
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Case No.: 3:15-CV-00196-RCJ-WGC

ORDER
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13 Before the Court is the Report and Recommendation of United States Magistrate
14 Judge (ECF No. 129¹) entered on January 7, 2019, recommending that the Court deny
15 Plaintiff's Motion (ECF No. 112) and grant and deny in part Defendants' Motion for
16 Summary Judgment (ECF No. 113). On January 13, 2019, Plaintiff filed Objections to
17 Magistrate Judge's Report and Recommendation (ECF No. 132).
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19 This action was referred to Magistrate Judge Cobb under 28 U.S.C. §
20 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District
21 Court for the District of Nevada.
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23 The Court has conducted its *de novo* review in this case, has fully considered the
24 pleadings and memoranda of the parties including the parties' objections to the Report
25 and Recommendation and other relevant matters to 28 U.S.C. § 636(b)(1)(B) and Local
26 Rule IB 3-2.
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¹ Refers to Court's docket number.

1 IT IS HEREBY ORDERED that Judge Cobb's Report and Recommendation
2 (ECF No. 129), shall be ADOPTED and ACCEPTED.

3 IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF
4 No. 112) as to Counts I, II, IV and V are DENIED.

5 IT IS FURTHER ORDERED that Defendant Murguia's Motion for Summary
6 Judgment (ECF No. 113) as to Counts I and II are GRANTED.

7 IT IS FURTHER ORDERED That Baker's Motion for Summary Judgment (ECF
8 No. 113) as to Counts IV and V are DENIED.

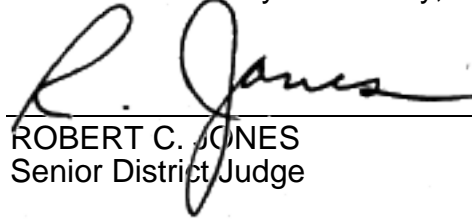
9 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment
10 insofar as Plaintiff seeks to recover damages against them in their official capacities is
11 DENIED.

12 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment
13 (ECF No. 113) with respect to Plaintiff's claims for injunctive relief as Plaintiff has been
14 released from prison and is no longer subject to the offending policies/practices is
15 GRANTED.

16 IT IS SO ORDERED.

17 Dated this 14th day of January, 2019.

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ROBERT C. JONES
Senior District Judge